







THE
DECREE AND
ESTABLISHMENT
OF THE KINGS
MAIESTIE,

*Upon a controuersie of Precedence,
betweene the yonger sonnes of Viscounts
and Barons, and the Baronets ;*

*And touching some other points also,
concerning aswell Bannerets, as the
said Baronets.*



Imprinted at London by Robert
Barker, Printer to the Kings most
Excellent Maiestie. 1612.



THE
DECREE AND
ESTABLISHMENT
OF THE KINGS

Upon the common law of Procedure,
between the King and the Barons,
and Barons, and the Bishop.

And touching some other points,
concerning the same law,
and the same.

Printed at London by T. B. A.
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I AMES, by the grace
of GOD, King of
England, Scotland,
France and Ireland,
Defender of the Faith, &c.

To all to whome these presents shall
come, Greeting. Know ye that We haue
made a certaine Ordinance, Establish-
ment, and finall Decree, whereof the tenor
followeth in these wordes:

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*The Decree and Establishment
of the Kings Maiestie, vpon a controuersie
of Precedence, betweene the yonger sonnes
of Viscounts and Barons, and the Baro-
nets; And touching some other points also concerning,
aswell Bannerets, as the said Baronets.*

THE Kings most Excellent Maiesty,
hauing vpon the Petition, and sub-
mission of both parts, taken into his
Royal audience & censure, a certaine con-
trouersie, touching place and Precedence,
betweene the yonger sonnes of Viscounts,
and Barons, and the Baronets, (being a de-
gree by his Maiestie newly created) which
controuersie did arise vpon an inference
onely out of some darke words contained
in the Letters Patents of the said Baronets:
And hauing in person heard both parts,
and their learned Counsell, three seuerall
daies at large after information taken from
the Heraults, & due consideration of such
proofes as were produced on both sides,
hath declared and decreed as followeth.

HIS Maiestie well weighing that the
Letters Patents of the Baronets
haue

haue no speciall clause or expresse words
to giue vnto them the saide Precedence;
And beeing a witnesse vnto himselve
(which is a testimony aboue all excep-
tion) that his Princely meaning was onely
to grace, and aduance this new Dignitie
of his Maiesties erection; but not there-
withal any wayes to wrong tacitely, & ob-
scurely a third partie, such as the yonger
sonnes of Viscounts & Barons are, in that
which is a flower of their fathers Nobilitie:

And hauing also had the attestation of
the Lords of his Priuie Councell, who did
declare that the Precedence (after debate
and deliberation, while the Patent of the
Baronets was in consultation) was with
one consent resolved and ordered for the
yonger sonnes of the Viscounts, & Barons:

And finding also that the clause where-
by the Precedence is challenged by the
Baronets, as by a kinde of consequence in
regard of place giuen vnto them aboue
some Bannerets, doeth not warrant their
claime (forasmuch as the Precedence be-
twene the Bannerets themselues, and the
yonger

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yonger sonnes of Viscounts and Barons, appeareth not to haue bene regular or certaine, but full of confusion and variety, and therefore not sufficient whereupon to ground such their pretence) but being chiefly mooued by the clearenesse of his Maiesties Royall intent, and meaning, and the explanation thereof by his Councell, (which his Royall meaning doeth, and euer must leade his Maiesties iudgement in the interpretation of his owne Actes,) hath finally sentenced, adiudged, and established, that the yonger sonnes of Viscounts, and Barons, shall take place and Precedence before all Baronets.

AND further, the better to settle, and cleare also all question of Precedence that may concerne either Bannerets, or the yonger sonnes of Viscounts and Barons, or the said Baronets, either as they haue relation amongst themselves, or towards others respectiue: His Maiesty for himself, his heires and successours, doeth ordaine and establish, that such Bannerets, as shall
be

be made by the Kings Maiestie, his heires and successors vnder his or their Standard, displayed in an Armie Royall in open warre, and the King personally present, for the terme of the liues of such Bannerets, and no longer, (according to the most ancient, and noble institution) shall for euer hereafter in all places, and vpon all occasions, take place, and Precedence, aswel before all other Bannerets whatsoeuer, (no respect being had to the time, and prioritie of their creation) as likewise before the yonger sonnes of Viscounts and Barons, and also before all Baronets.

And againe, that the yonger sonnes of Viscounts and Barons, and also all Baronets, shall in all places, and vpon all occasions, take place and Precedence before all Bannerets whatsoeuer, other then such as shall bee made by the King himselfe, his heires and successors in person, and in such speciall case, manner and forme as afore said.

Neuerthelesse, for a singular honour to the person of the most high and excellent

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Prince

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Prince HENRY now Prince of *Wales*, his Maiesties eldest sonne; aswell the yonger sonnes of the Viscounts, and Barons, as the Baronets, haue freely and voluntarily consented and agreed at the hearing of the said cause, in the presence of his Maiestie, and his Priue Councell, and all the hearers, to giue place and Precedence, to such Bannerets, as shalbe hereafter made by the said most noble HENRY, now Prince of *Wales*, vnder the Kings Standard displayed in an Armie Royall in open warre, and the said Prince there personally present:

Sauing the right of the yonger sonnes of Viscounts and Barons, & of the said Baronets, and of the heires males of the bodies of such Baronets, for the time being, in all other cases according to the effect, and true intent and meaning of their Letters Patents, and of these presents.

AND his Maiestie doth likewise by these presents, for himselfe, his heires and successours ordeine, that the Knights of the most noble order of the Garter, the Priue
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Councillours of his Maiestie, his heires
 and successours, the Master of the Court
 of Wardes and Liueries, the Chancellour
 and vnder-Treasurer of the Exchequer,
 Chancellour of the Duchie, the chiefe Iu-
 stice of the Court commonly called the
 Kings Bench, the Master of the Rolls, the
 chiefe Iustice of the Court of Common
 Pleas, the chiefe Baron of the Exchequer,
 and all other the Iudges and Barons of the
 degree of the Coife of the saide Courts,
 now, and for the time being, shall by rea-
 son of such their Honourable order, and
 imployment of State and Iustice, haue
 place and Precedencie in all places, and vp-
 on all occasions before the yonger sonnes
 of Viscounts and Barons, and before al Ba-
 ronets, Any custome, vse, ordinance, or o-
 ther thing to the contrary notwithstanding.
 But that no other person or persons
 whatsoeuer, vnder the degree of Barons of
 Parliament, shall take place before the said
 Baronets, except onely the eldest sonnes
 of Viscounts and Barons, and others of
 higher degree, whereof no question euer

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was, or can bee made. And so his Maie-
sties meaning is, and accordingly he doth
by these presents, for him, his heires and
successours, ordeine and decree, that the
said Baronets, and the heires males of their
bodies, shall in all places, and vpon all oc-
casions for euer, haue, hold, and enioy
their place and Precedencie, next vnto, and
immediatly after the yonger sons of Vis-
counts and Barons; and that no person or
persons, nor State or States of men, shall
haue or take place betweene them, Any
Constitution, Order, Degree, Office, Ser-
vice, Place, Imployment, Custome, Vse, or
other thing whatsoeuer now or hereafter
to the contrary notwithstanding.

And that the wiues of the saide Baro-
nets, and of the heires males of their bo-
dies, shall likewise by vertue of the saide
Dignitie of their saide husbands, in all pla-
ces, and vpon all occasions, haue, take and
enioy their place and Precedencie during
their liues, next vnto, and immediatly after
that place that is due, and belongeth vnto
the wiues of the yonger sonnes of Vis-
counts

counts and Barons, and to the daughters of such Viscounts and Barons, Any Constitution, Use, Custome, Ordinance, or other thing whatsoever, now or hereafter to the contrary in any wise notwithstanding.

ANd further, his Maiestie doth by these presents, for him, his heires and successours, of his certaine knowledge and meere motion, promise and graunt to the said Baronets, and euery of them already created, and hereafter to be created; and the heires males of their bodies, That neither his Maiestie, nor his heires or successours, shall or will at any time hereafter erect, ordaine, constitute or create any other Degree, Order, Name, Title, Stile, Dignitie or State, nor will giue place, Precedencie or preheminence to any person or persons whatsoever, vnder or beneath the Degree, dignitie or State of Lords of Parliament of this his Realme of *England*, which shall or may be, or be taken, vsed or accompted to be higher, before, or equall to the Degree, dignitie or place of the said

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Baronets, or any of them. AND therefore his Maiestie doeth for him, his heires and successours ordeine, graunt, and appoint by these presents, that all and euery the said Baronets, and their saide heires males, and the wiues sonnes, sonnes wiues, and daughters of the said Baronets, and of their said heires males, shall, and may for euer hereafter, freely and quietly haue, hold, and enioy their said Dignities, Places, Precedencie, and Priuiledges before all other which are or shall be created of such Decrees, States, Dignities, Orders, Names, Stiles, or Titles, or to whom such place, Precedencie, or Preheminence shall be so giuen as aforesaid; their wiues and children respectiuelly, according to the true intent and meaning of these presents:

Sauing neuerthelesse to his Maiestie, his heires and successors, full and absolute power and authoritie to continue or restore to any person or persons from time to time such place and precedencie, as at any time hereafter shalbe due vnto them, which by any accident or occasion whatsoever shall be

be hereafter changed, any thing in these presents, or other cause or respect whatsoever to the contrarie notwithstanding.

And now though this Precedent declaration doth clearely ridde all questions arising vpon the Letters Patents, yet his Maiestie hauing vpon the occasion of this controuersie and hearing, and of some of the Baronets grieuances, propounded out of their owne mouthes, considered more maturely vpon the points and latitude of their said Patents, his Maiestie beeing resolved (as out of his owne royall mouth it pleased him to declare vnto them) to ampliate his fauour, especially where it meetes with these so wel borne and wel deseruing Gentlemen, (this dignitie beeing of his Maiesties owne erection, and the worke of his owne handes) his Maiestie is therefore graciously pleased (not contented with those markes of his fauour, which alreadie they enioy by the wordes of their Patent, which layeth such a marke of dignitie and precedence vpon them and their posterity) further to strengthen and adorne his Maiesties

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iesties gracious fauour towards them, with addition of the priuiledges, preheminencies, and ornaments ensuing.

First, his Maiestie is pleased to knight the present Baronets, that are no Knights: And doeth also by these presents of his meere motion and fauour, promise and graunt for him, his heires and successours, that such Baronets, and the heires males of their bodies, as hereafter shalbe no Knights, when they shall attaine, or be of the age of one and twentie yeares, vpon knowledge thereof giuen to the Lord Chamberlaine of the houshold, or Vice-chamberlaine for the time beeing, or in their absence to any other Officer attending vpon his Maiesties person, shall be knighted by his Maiestie, his heires and successours.

His Maiestie doth also graunt for him, his heires and successours, that the Baronets, and their descendants shall and may beare, either in a Canton in their coate of Armes, or in an Inscutchion, at their election, the Armes of *Ulster*, that is, in a field
argent,

Argent, a hand *Genles*, or a bloudie hand.

And also, that the Baronets, for the time beeing, and the heires males of their bodies shall haue place in the armies of the Kings Maiesty his heires and successours, in the grosse, neere about the royall Standard of the King, his heires and successours, for the defence of the same.

And lastly, that the Baronets, and the heires males of their bodies shall haue two assistants of the bodie to support the Pall, a principall mourner, and foure assistants to him at their funerals, being the meane betwixt a Baron and a Knight.

And to the end that euery of the Baronets, and the heires males of their bodies, may haue vpon all occasions present, vse, and prooffe of these his Maiesties fauours; His Maiestie is graciously pleased, that as well the Baronets alreadie created, as hereafter to be created, shal and may haue, and take Letters Patents vnder the great Seale of *England*, to the effect of the said former Letters Patents of creation, and of these presents, either ioynt or seuerall, as they shall

shall be aduised by the learned Councell
of his Maiestie, his heires and successours,
and according to his Highnesse true intent
and meaning.

*In witnesse whereof, We haue caused these Our Let-
ters to be made Patents. Witnesse Our selfe at
Westminster, the eight and twentieth day of
May, in the tenth yeere of Our Raigne of En-
gland, France, and Ireland, and of Scotland the
fine and fortieth.*



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